REMARKS/ARGUMENTS

In the Office Action mailed February 4, 2009, claims 1-35 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are added or canceled.

For reference, claims 1, 8, 12, 19, 22, 26, and 32 are amended to change "the flag set" to "the flag is set" as suggested by the Examiner.

Objections to the Claims

The Office Action objects to claims 1, 8, 12, 19, 22, 26, and 32 for the following informalities. In particular, claims 1, 8, 12, 19, 22, 26, and 32 are objected to for reciting "the flag set" where "set" is used as a verb.

Claims 1, 8, 12, 19, 22, 26, and 32 are amended as suggested by the Examiner to read "the flag is set." Applicant submits that this amendment overcomes the objection. Consequently, Applicant respectfully requests that the objection to claims 1, 8, 12, 19, 22, 26, and 32 be withdrawn.

Claim Rejections under 35 U.S.C. 103

Claims 1-4, 8-11, 22-27, 29, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg et al. (U.S. Pat. No. 5,598,442, hereinafter Gregg) in view of Bentz et al. (U.S. Pat. No. 6,363,441, hereinafter Bentz). Additionally, claims 5-7, 28, and 31-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg in view of Bentz and in further view of Imanishi (U.S. Pat. No. 5,974,055, hereinafter Imanishi). Additionally, claims 12-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg in view of Wakeman et al. (U.S. Pat. No. 5,790,786, hereinafter Wakeman) in further view of Bentz. However, Applicant respectfully submits that these claims are patentable over Gregg, Bentz, Imanishi, and Wakeman for the reasons provided below.

Independent Claim 1

Claim 1 recites "each FIFO comprises <u>a bit dedicated to a flag indicating an</u> <u>alignment status</u> for the data collected in the FIFO, the flag is set in response to the detected frequency compensation code, the receive module adapted to align the data carried from the transmit module in response to the flag" (emphasis added).

The rejection of claim 1 is improper because the Office Action does not establish a *prima facie* rejection for claim 1. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the claimed invention would have been obvious. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. __ (2007)). The analysis must be made explicit. <u>Id</u>. Additionally, rejections based on obviousness cannot be sustained by <u>mere</u> <u>conclusory statements</u>; instead there must be some <u>articulated reasoning</u> with some <u>rational underpinning</u> to support the legal conclusion of obviousness. <u>Id</u>.

Here, the Office Action fails to explain why the claimed limitations of claim 1 would have been obvious because the Office Action does not acknowledge the actual language of claim 1. In particular, the Office Action fails to address how any of the cited references might teach "each FIFO comprises <u>a bit dedicated to a flag indicating an</u> <u>alignment status</u>" (emphasis added) as recited in claim 1.

In fact, the Office Action does not even make an assertion that the cited references might describe the indicated limitation, or that the indicated limitation might otherwise be obvious in light of the cited references. The Office Action explicitly states that Gregg does not teach the use of FIFOs in any form. "Gregg does not explicitly disclose a plurality of first in first out buffers (FIFOs), each FIFO coupled to a data-carrying line; and wherein each FIFO comprises a bit dedicated to a flag indicating alignment status for the data collected in the FIFO, the flag set in response to the detected frequency compensation code." Office Action, page 4, first paragraph. The Office Action then cites Bentz, describing maintenance of dependencies on a first in first out (FIFO) basis. Office Action, page 4, second paragraph. However, the Office Action does not describe how Bentz might teach a FIFO including a bit dedicated to a flag indicating an alignment status, as recited in claim 1. Furthermore, the Office Action does not assert that Bentz might teach a FIFO including a bit dedicated to a flag indicating an

alignment status; rather, the Office Action merely states that "it would have been obvious to one of ordinary skill in the art, having the teachings of Greg and Bentz '441 before him or her, to modify the sync buffer 43 of Gregg to include the FIFO of Bentz '441 because Bentz '441's FIFO is used to maintain time dependent information." Office Action, page 4, paragraph 3. While the Office Action does discuss the purported existence of a FIFO in Bentz, generally, the Office Action does not describe or assert that Bentz might teach a FIFO including a bit dedicated to a flag indicating an alignment status, as recited in claim 1.

Therefore, the Office Action fails to establish a *prima facie* rejection for claim 1 because the Office Action does not assert or show how the cited reference might teach a FIFO including a bit dedicated to a flag indicating an alignment status, according to the language of the claim. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. 103(a) should be withdrawn because the Office Action fails to establish a *prima facie* rejection.

Independent Claim 8

Applicant respectfully asserts independent claim 8 is patentable over the combination of Gregg and Bentz at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 8 recites "a first in first out buffer (FIFO) comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO, the flag is set in response to detection of the frequency compensation code" (emphasis added).

Here, although the language of claim 8 differs from the language of claim 1, and the scope of claim 8 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 8. Accordingly, Applicant respectfully asserts claim 8 is patentable over the combination of Gregg and Bentz because the combination of Gregg and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

Independent Claim 12

Applicant respectfully asserts independent claim 12 is patentable over the combination of Gregg, Wakeman, and Bentz at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 12 recites "a first in first out buffer (FIFO) comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO, the flag is set in response to detection of the frequency compensation code" (emphasis added).

Here, although the language of claim 12 differs from the language of claim 1, and the scope of claim 12 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 12. Accordingly, Applicant respectfully asserts claim 12 is patentable over the combination of Gregg, Wakeman, and Bentz because the combination of Gregg, Wakeman, and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

Independent Claim 19

Applicant respectfully asserts independent claim 19 is patentable over the combination of Gregg, Wakeman, and Bentz at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 19 recites "each FIFO comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO" (emphasis added).

Here, although the language of claim 19 differs from the language of claim 1, and the scope of claim 19 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 19. Accordingly, Applicant respectfully asserts claim 19 is patentable over the combination of Gregg, Wakeman, and Bentz because the combination of Gregg, Wakeman, and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

<u>Independent Claim 22</u>

Applicant respectfully asserts independent claim 22 is patentable over the combination of Gregg and Bentz at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 22 recites "each FIFO comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO" (emphasis added).

Here, although the language of claim 22 differs from the language of claim 1, and the scope of claim 22 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 22. Accordingly, Applicant respectfully asserts claim 22 is patentable over the combination of Gregg and Bentz because the combination of Gregg and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

<u>Independent Claim 26</u>

Applicant respectfully asserts independent claim 26 is patentable over the combination of Gregg and Bentz at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 26 recites "each FIFO coupled to a data line and comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO" (emphasis added).

Here, although the language of claim 26 differs from the language of claim 1, and the scope of claim 26 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 26. Accordingly, Applicant respectfully asserts claim 26 is patentable over the combination of Gregg and Bentz because the combination of Gregg and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

<u>Independent Claim 32</u>

Applicant respectfully asserts independent claim 32 is patentable over the combination of Gregg, Imanishi, and Bentz at least for similar reasons to those stated

above in regard to the rejection of independent claim 1. In particular, claim 32 recites "each FIFO receiving a serial bit-stream and comprising <u>a bit dedicated to a flag indicating an alignment status</u> for data collected in the FIFO" (emphasis added).

Here, although the language of claim 32 differs from the language of claim 1, and the scope of claim 32 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 32. Accordingly, Applicant respectfully asserts claim 32 is patentable over the combination of Gregg, Imanishi, and Bentz because the combination of Gregg, Imanishi, and Bentz does not teach a FIFO comprising a bit dedicated to a flag indicating an alignment status.

<u>Dependent Claims</u>

Claims 2-7, 9-11, 13-18, 20, 21, 23-25, 27-31, and 33-35 depend from and incorporate all of the limitations of the corresponding independent claims 1, 8, 12, 19, 22, 26, and 32. Applicant respectfully asserts claims 2-7, 9-11, 13-18, 20, 21, 23-25, 27-31, and 33-35 are allowable based on allowable base claims. Additionally, each of claims 2-7, 9-11, 13-18, 20, 21, 23-25, 27-31, and 33-35 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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